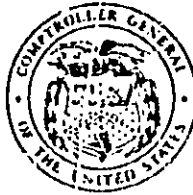


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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-187517

DATE: November 9, 1976

MATTER OF: Polarad Electronics Corporation

DIGEST:

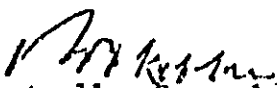
If proprietary data protest directly or indirectly questions responsibility of another concern, protest is not for review.

Polarad Electronics Corporation has protested the award of a contract to Jan Hardware Manufacturing Company, Inc., under Defense Supply Agency (DSA) solicitation No. DSA900-76-R-2488 issued for Part No. C149009, Cable and Probe Assembly. Polarad contends that there is no way that Jan Hardware can furnish a complying part without access to current Polarad drawings which have not been made available to the contractor.

Polarad's protest raises the question whether Jan Hardware has the capacity to deliver the item which the contractor is apparently otherwise obligated to furnish. Essentially, therefore, Polarad's protest asserts that Jan Hardware should not have been determined to be a responsible offeror for the contract in question. The protest may also be read as suggesting that Jan Hardware may be contemplating the unauthorized use of Polarad's proprietary data in order to furnish a conforming product.

Generally, we do not review affirmative responsibility determinations save for a showing of fraud or when the solicitation contains definite responsibility criteria which allegedly have not been met. See, for example, Randall Manufacturing Company, Inc., B-17 03, January 26, 1976, 76-1 CPD 44. Consequently, it is our view that if a "proprietary data" protest directly or indirectly questions the responsibility of another concern the protest is not for our review.

We will not consider Polarad's protest.


Acting Comptroller General
of the United States